

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Case No.: 19-CV-01048-ECT-BRT

Strio Consulting, Inc.,
a Minnesota Corporation,

Plaintiff,

v.

RocketPower, Inc.,
a Delaware Corporation,

Defendant.

**STIPULATION AND JOINT MOTION
TO CONSOLIDATE RELATED
CASES**

Case No.: 19-CV-01928-ECT-BRT

RocketPower, Inc.,
a Delaware Corporation,

Plaintiff,

v.

Strio Consulting, Inc.,
a Minnesota Corporation

Defendant.

Pursuant to Federal Rule of Civil Procedure 42, Strio Consulting, Inc. (“Strio”) and RocketPower, Inc. (“RocketPower”) stipulate and jointly move the Court to consolidate Case No. 19-CV-01928 with Case No. 19-CV-01048. This stipulation is based upon the following:

1. Case No. 19-CV-01048 (the “Earlier Filed Case”) was initiated on April 17, 2019.

2. Case No. 19-CV-01928 (the “Later Filed Case”) was initiated on April 30, 2019.

3. Both the Earlier Filed Case and the Later Filed Case involve claims between the same parties. Strio is the plaintiff in the Earlier Filed Case, and RocketPower is the defendant. RocketPower is the plaintiff in the Later Filed Case, and Strio is the defendant.

4. The Later Filed Case was initiated in San Francisco Superior Court, State of California. Strio removed to the Northern District of California. The Northern District of California transferred the case to the District of Minnesota by order dated July 17, 2019. The case was subsequently transferred on July 23, 2019.

5. The Earlier Filed Case and the Later Filed Case should be consolidated, among other reasons, because they involve the same parties and the same agreement governs the parties’ relationship.

6. Consolidation will also conserve judicial and party resources, prevent inconsistent rulings, eliminate duplication of effort, and decrease the parties’ litigation expenses.

7. As such, the parties stipulate and jointly move the Court to consolidate the Later Filed Case with the Earlier Filed Case pursuant to Federal Rules of Civil Procedure 42.

8. The parties agree that nothing in this Stipulation affects the merits, or constitutes a waiver, of the claims or defenses asserted or which may be asserted in either

the Earlier or Later Filed Cases, or otherwise impacts the propriety of either party's assertion of claims in one case versus the other.

9. The parties further agree that good cause exists to extend the deadline for Strio to answer or otherwise plead in response to the claims asserted in the Later Filed Case until fourteen (14) days after a ruling is issued on this Stipulation and Joint Motion.

10. The parties have filed this Stipulation and Motion in both the Earlier and Later Filed Cases.

WHEREFORE, for the foregoing reasons, Strio and RocketPower stipulate and jointly move the Court for an Order consolidating Case No. 19-CV-01928 with Case No. 19-CV-01048 for all purposes, including discovery, motions, hearings, and trial.

IT IS SO STIPULATED AND AGREED.

Dated: August 7, 2019

ANTHONY OSTLUND
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